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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 291]

भोपाल, बुधवार, दिनांक 22 जुलाई 2015—आषाढ़ 31, शक 1937

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 22 जुलाई 2015

क्र. 3345-208-इक्कीस-अ.(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश तंग करने वाली मुकदमेबाजी (निवारण) विधेयक, 2015 (क्रमांक 5 सन् 2015) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL

No. 5 OF 2015

THE MADHYA PRADESH VEXATIOUS LITIGATION (PREVENTION) BILL, 2015

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MADHYA PRADESH BILL

No. 5 of 2015

THE MADHYA PRADESH VEXATIOUS LITIGATION (PREVENTION) BILL, 2015

A Bill to prevent the institution or continuance of vexatious proceedings in courts.

Be it enacted by the Madhya Pradesh Legislature in the sixty-sixth year of the Republic of India as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Madhya Pradesh Vexatious Litigation (Prevention) Act, 2015.

(2) It extends to the whole of the State of Madhya Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

Leave of Court necessary for vexatious litigant to institute or continue any civil or criminal proceedings.

2. (1) If, on an application made by the advocate General the High Court is Satisfied that any person has habitually and without any reasonable ground instituted vexatious proceedings, civil or criminal, in any Court or Courts, whether against the same person or against different persons, the High Court may, after hearing that person or giving him an opportunity of being heard, order that no proceedings, civil or criminal, shall be instituted by him in any Court (and that any legal proceeding instituted by him in any Court before the order shall not be continued by him).—

(a) in the High Court of Madhya Pradesh without the leave of the High Court; and

(b) elsewhere in the State, without the leave of the District and Sessions Judge.

At the hearing of any such application, the Advocate General may appear through a pleader.

(2) Such leave shall not be given unless the High Court or the Judge, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is prima facie ground for the proceedings.

(3) No appeal shall lie against an order refusing leave for institution or Continuance of any proceedings by a person who is the subject of an order for the time being in force under sub-section (1) :

Provided that nothing in this sub-section shall apply to any appeal which may lie to or any proceeding before the Supreme Court.

(4) If it appears to the High Court that the person against whom an application is made under sub-section (1), is unable, on account of poverty, to engage a pleader, the High Court may engage a pleader to appear for him.

Explanation.—for the purpose of this section, "pleader" has the same meaning as in clause (15) of Section 2 of the Code of Civil Procedure, 1908 (V of 1908).

(5) Every order made under sub-section (1) directing any person to obtain leave before instituting or continuing proceedings shall be published in the official Gazette and may also be published in such other manner as the High Court thinks fit.

3. Any proceeding instituted or continued in any Court by a person against whom an order under sub-section (1) of the last preceding section has been made, without obtaining the leave referred to in that section, shall be dismissed by the Court :

Proceedings instituted or continued without leave to be dismissed.

Provided that this section shall not apply to any proceeding instituted for the purpose of obtaining such leave.

4. Where a person, against whom an order under sub-section (1) of Section 2 has been made applies for leave for institution of any proceeding, the time required by the High Court or the Judge, as the case may be, for deciding the application shall be excluded in computing the period of limitation (if any) prescribed under any law for the time being in force for instituting such proceedings.

Exclusion of time required for obtaining leave, for computation of limitation period.

Explanation.—in excluding such time, the date on which the application for leave was made to the proper authority and the date on which such authority made its order on the application shall both be counted.

5. The High Court may make rules for carrying out the purposes of this Act.

Power to make rules.

6. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force for prevention of vexatious proceedings or other abuse of legal process, or which require consent, sanction or approval in any form of any other authority for the institution or continuance of any proceeding.

Saving.

STATEMENT OF OBJECTS AND REASONS

It has been observed that there has been an increasing trend where people are filing vexatious cases against other persons, with an intention of troubling, harassing, irritating or annoying such other person without any reasonable ground. The Government has considered the matter and has decided that this trend should be arrested by enacting a suitable legislation.

2. This Bill seeks to achieve the above object.

BHOPAL :

DATED : 17th March, 2015.

KUSUM SINGH MAHDELE

Member-in-Charge.